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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/129,883    08/06/98    YAMAGISHI    H    Q46699

EXAMINER
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BLAU, S

ART UNIT	PAPER NUMBER
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3711

DATE MAILED:

05/02/00

QM32/0502  
SUGHRUE MION ZINN MACPEAK & SEAS  
2100 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20037-3202

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/129,883

Applicant(s)  
Yamagishi

Examiner  
Stephen Blau

Group Art Unit  
3711



☒ Responsive to communication(s) filed on Mar 8, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 3-15 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 3-15 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Mar 8, 2000 is ☐ approved ☒ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Specification***

1. The changes to the abstract are agreed with and the objection to the abstract is removed.

### ***Drawings***

2. The drawings stand objected to under 37 CFR 1.83 (a). The submitted figure 4 contains conflicting shore D hardness values and gage values. Figure 4 is not approved.

### ***Claim Rejections - 35 USC § 112***

3. The rejection to the claims under 35 U.S.C. 112, second paragraph, as been removed.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagishi (5,695,413) in view of Yamagishi (5,779,563).

Yamagishi (413) discloses a core having a distortion of 3.5 mm under an applied load of 100 kg, an outer cover layer having a Shore D hardness in a range of 50-60, an inner cover layer having a Shore D hardness in a range of 28-68, an inner cover having a gage of 1.3-2.4 mm, an outer cover having a gage of 1.3-2.4mm (Fig. 2), and products of the Shore D hardness of an inner cover layer multiplied by the Shore D hardness of an outer cover layer in form that each layer has a Shore D hardness and the products would be in a range of 1500-4000 (Fig. 2).

Yamagishi (413) lacks dimples. Yamagishi (563) discloses a plurality of dimples, at least three types of dimples which are different in diameter, a largest diameter of 4.150 mm, a dimple depth for a largest size dimple being .210 mm,  $V_o$  being .48 for a largest size,  $V_o$  for the ball as a hole being .48, dimples of a smallest type having a diameter of 3.5 mm and a depth of .210 mm (Type II, Table 3) in order to have a ball with improved flying distance, controllability, straight travel, roll and durability (Col. 1, Lns. 50-57). In addition, Yamagishi (563) discloses a  $V_o$  in a range of .40-.65 in order to prevent a stall and a descending trajectory (Col. 5, Lns. 38-47). Yamagishi (563) does not specifically disclose a  $V_r$  but clearly as shown in enclosure to amendment dated 8 March 2000 type II dimples have a  $V_r$  of .996.

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It would have been obvious to include in the ball of Yamagishi (413) to have a product of Shore D hardness of an inner and outer cover layer to be 1500-3000 in order to have a ball which minimizes damage when being impacted by a club.

In view of the patent of Yamagishi (563) it would have been obvious to modify the ball of Yamagishi (413) to have type II dimples as defined by the claims in order to utilize a dimple pattern available in the market place to improve flying distance, controllability, straight travel, and roll.

### *Response to Amendment*

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Due to the new grounds of rejection this Office action is not made final.

### *Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (703) 308-2712. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Jeanette Chapman whose telephone number is (703) 308-1310. Any


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inquiry of a general nature or relating to the status of this application should be directed to the  
Group receptionist whose telephone number is (703) 308-0858.

slb/ 28 April 2000



JEANETTE CHAPMAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700